

A bill for an act
relating to public safety; clarifying the prostitution penalty enhancement
provision for repeat offenders; broadening the prostitution in a public place
crime; making driving records relating to prostitution offenses public for repeat
offenders and ensuring that they are available to law enforcement for first-time
offenders; amending Minnesota Statutes 2008, sections 609.321, by adding a
subdivision; 609.324, subdivisions 2, 3, 5.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 2008, section 609.321, is amended by adding a
subdivision to read:

Subd. 13. **Place of public accommodation.** "Place of public accommodation"
means a business, accommodation, refreshment, entertainment, recreation, or
transportation facility of any kind, whether licensed or not, whose goods, services,
facilities, privileges, advantages, or accommodations are extended, offered, sold, or
otherwise made available to the public.

EFFECTIVE DATE. This section is effective August 1, 2009, and applies to crimes
committed on or after that date.

Sec. 2. Minnesota Statutes 2008, section 609.324, subdivision 2, is amended to read:

Subd. 2. **Solicitation or acceptance of solicitation to engage in prostitution in**
public place; penalty. ~~Whoever solicits or accepts a solicitation to engage for hire in~~
~~sexual penetration or sexual contact intentionally does any of the following while in a~~
~~public place may be sentenced to imprisonment for not more than one year or to payment~~
~~of a fine of not more than \$3,000 or both.~~ is guilty of a gross misdemeanor:

(1) engages in prostitution with an individual 18 years of age or older; or

(2) hires or offers or agrees to hire an individual 18 years of age or older to engage in sexual penetration or sexual contact.

Except as otherwise provided in subdivision 4, a person who is convicted of violating this subdivision while acting as a patron must, at a minimum, be sentenced to pay a fine of at least \$1,500.

EFFECTIVE DATE. This section is effective August 1, 2009, and applies to crimes committed on or after that date.

Sec. 3. Minnesota Statutes 2008, section 609.324, subdivision 3, is amended to read:

Subd. 3. **Engaging in, hiring, or agreeing to hire adult to engage in prostitution; penalties.** (a) Whoever intentionally does any of the following ~~may be sentenced to imprisonment for not more than 90 days or to payment of a fine of not more than \$1,000, or both~~ is guilty of a misdemeanor:

(1) engages in prostitution with an individual 18 years of age or above; or

(2) hires or offers or agrees to hire an individual 18 years of age or above to engage in sexual penetration or sexual contact. Except as otherwise provided in subdivision 4, a person who is convicted of violating this ~~clause or clause (1)~~ paragraph while acting as a patron must, at a minimum, be sentenced to pay a fine of at least \$500.

(b) Whoever violates the provisions of this subdivision within two years of a previous prostitution conviction ~~may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both~~ for violating this section or section 609.322 is guilty of a gross misdemeanor. Except as otherwise provided in subdivision 4, a person who is convicted of ~~a gross misdemeanor violation of this subdivision~~ violating this paragraph while acting as a patron, must, at a minimum, be sentenced as follows:

(1) to pay a fine of at least \$1,500; and

(2) to serve 20 hours of community work service.

The court may waive the mandatory community work service if it makes specific, written findings that the community work service is not feasible or appropriate under the circumstances of the case.

EFFECTIVE DATE. This section is effective August 1, 2009, and applies to crimes committed on or after that date.

Sec. 4. Minnesota Statutes 2008, section 609.324, subdivision 5, is amended to read:

Subd. 5. **Use of motor vehicle to patronize prostitutes; driving record notation.** (a) When a court sentences a person convicted of violating this section while acting as

3.1 a patron, the court shall determine whether the person used a motor vehicle during the
3.2 commission of the offense and whether the person has previously been convicted of
3.3 violating this section or section 609.322. If the court finds that the person used a motor
3.4 vehicle during the commission of the offense, it shall forward its finding along with an
3.5 indication of whether the person has previously been convicted of a prostitution offense to
3.6 the commissioner of public safety who shall record the finding on the person's driving
3.7 record. Except as provided in paragraph (b), the finding is classified as private data
3.8 on individuals, as defined in section 13.02, subdivision 12, but is accessible for law
3.9 enforcement purposes.

3.10 (b) If the person has previously been convicted of a violation of this section or
3.11 section 609.322, the finding is public data.

3.12 **EFFECTIVE DATE.** This section is effective August 1, 2009.